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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,895	09/18/2003	William Samuel Herz	NVID-071/00US 140060-2142	7004
23419 7590 09/12/2007 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 500 1200 - 19th Street, NW Washington, DC 20036-2402			EXAMINER PHILIPPE, GIMS S	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/665,895

**Applicant(s)**

HERZ, WILLIAM SAMUEL

**Examiner**

Gims S. Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. Applicant's amendment received on June 14<sup>th</sup> 2007, in which claims 1, 5, 7, 11-16 were amended, has been fully considered and entered, but the arguments are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over DaGraca et al. (US Patent no. 6646676) in view of Ramirez-Diaz et al. (US Patent Application Publication no. 2003/0085998 A1).

Regarding claims 1, and 11, DaGarca discloses a method and a digital video recorder and comprising an event detector configured to define a target region included in a plurality of video frames, the target region representing a specific area to be monitored for movement (See DaGarca col. 3, lines 60-67, and col. 11, lines 17-24), the event detector being configured to detect movement of an object representing in the target region based on a motion vector associated with the object (See DaGarca col. 5, lines

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11-15, lines 49-51 and col. 4, lines 6-12), an event recorder coupled to the event detector, (See fig. 2, recorder 204, col. 5, lines 6-8), and an event notifier coupled to the event detector, the event notifier being configured to generate an event notification in response to the detected movement (See DaGarca col. 6, lines 27-33). The target region being shifted without repositioning an image acquisition device (See 5, lines 25-48, col. 11, lines 64-67).

It is noted that DaGarca is silent about the same event recorder being configured to coordinate selective storage of a portion of the plurality of video frames corresponding to the target region as specified in the claims.

However, Ramirez-Diaz discloses digital video recorder including an event recorder being configured to coordinate selective storage of a portion of the plurality of video frames corresponding to the target region (See Ramirez-Diaz [0051, lines 1-13]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying DaGarca's event recorder by providing Ramirez-Diaz's teachings. The motivation for performing such a modification in DaGarcia is to be able to perform faster search in the video database as taught by Ramirez-Diaz (See Ramirez-Diaz [0050, lines 1-5]).

As per claim 2, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, DaGarca further detect movement of the object based on identifying a reference point of the object, the motion vector being associated with the reference point (See DaGarca col. 11, lines 17-34).

As per claims 3 and 12, DaGarca further discloses a reference point corresponding to a portion of a perimeter of the object (See DaGarca col. 11, lines 40-46).

As per claims 15-16, the limitations of these claims have been noted in the rejection of claims 11. In addition, DaGarca further generate and event notification and transmits the event notification via a network (See DaGarca col. 6, lines 27-38 lines 62-67).

As per claim 4, DaGarca further detect movement of the object based on at least one of a magnitude and orientation of the motion vector (See DaGarca col. 9, lines 62-67).

As per claims 5, and 7-8, see the rejection of claims 1 and 11 above.

As per claim 6, most of the limitations of this claim have been noted in the rejection of claims 1. In addition, DaGarca further coordinates the storage of audio data in response to the detected movement (See col. 11, lines 17-34).

As per claims 9-10, DaGarca further provides an event tracker configured to track objects in response to the detected movement (See col. 11, lines 35-46 and lines 57-67).

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As per claim 13, DaGarcia further motion vector based on MPEG-format video data associated with at least one of the frames (See col. 9, lines 13-46).

As per claim 14, centering the target region is considered as an inherent aspect when tracking the object.


4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

September 5, 2007